APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/220,436	12/24/1998	AARON ABBOTT	P-5350	3501

24510   7590   03/27/2002

PIPER MARBURY RUDNICK & WOLFE LLP
STEVEN B KELBER
1200 NINETEENTH STREET, NW
WASHINGTON, DC 20036-2412

EXAMINER
WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jan 25, 2002* _____ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ☐ All b) ☐ Some* c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

DETAILED ACTION

Drawings

1.   The drawings are objected to because of the informalities noted on the attached PTO

948. Correction is required.

2.   This application has been filed with informal drawings which are acceptable for

examination purposes only. Formal drawings will be required when the application is

allowed.

Claim Rejections - 35 USC § 103

3.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103©

and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb et al.

with Patent Number 5,956,506 in view of Chow et al. with Patent Number 6,029,175.

6.   Regarding claims 1 and 6, Cobb teaches a system to enhance procedural software using

objects. Cobb teaches *a client component: a server component, said client component arranged*

to make requests to said server component as "the application comprises a number of objects that

exchange messages to accomplish the actions required by the transaction", col. 4, lines 25-27.

Cobb teaches *means maintaining a representation of requests which can be satisfied by said*

server as "the classes and methods of the mapping encapsulate the system software function",

col. 3, lines 36-37. Cobb teaches *said request intercepting component thereafter passing the*

request on to said server to execute as "this allows unique behavior to be introduced on a per-

action or per-transaction basis", col. 3, lines 57-59. Cobb teaches *a request intercepting*

component, arranged to intercept requests from said client component to said server component,

and to establish from said representation if a request is supported by the server; wherein said

request intercepting component is arranged to search external sources to locate and provide to

said server additional functionality if required for said server to support said request if said

request is not supported as "some of the key procedural transaction functions must be intercepted

and the data from them provided to the implementation classes", col. 7, lines 63-65. Cobb

teaches the invention in claim 1 except for explicitly *a request intercepting component, arranged*

to intercept requests from said client component to said server component, and to establish from

said representation if a request is supported by the server; wherein said request intercepting

component is arranged to search external sources to locate and provide to said server additional

functionality if required for said server to support said request if said request is not supported.

In that Cobb operates to modify objects, the artisan would have looked to the client/server object

arts for details of implementing new versions of objects. In that art, Chow, a client/server

system, teaches a "Revision manager is connected to function as an intermediary between a

number of Mosaic browsers", col. 9, lines 33-34 in order to "automatically be provided with

updates to a document of interest" col. 9, lines 59-60. Chow, specifically teaches "the Revision

Manager acts as an intermediary between browser client and a Remote HTTP server", col. 9,

lines 52-54 and "the Revision Manager Polling Daemon periodically and spontaneously scans the

root directory", "if there is at least one client which is to be notified in the case the document has

been changed", col. 10, lines 47-49, 55-56 and "an intelligent network agent intercepts

transactions between clients and servers to perform DILS functions such as automatically

receiving updated files", abstract. Commands are intercepted and objects or documents are

found to better satisfy the command. Further, Chow suggests that "automatically retrieving

changed documents previously accessed from network and Internet work server", col.3 , lines 61-

63 will result from implementing his command interceptor. The motivation to incorporate a new

or advanced object version insures the objects have more functionality. Thus, it would have been

obvious to one of ordinary skill in the art to incorporate the new version finder as taught in Chow

into the enhanced objects described in the Cobb patent because Cobb operates with new objects

and Chow suggests that new objects can be found and used to increase functionality. Therefore,

by the above rational, the above claims are rejected.

7.   Regarding claims 2 and 7, Cobb teaches *said client and server components comprise*

objects in one or more computer programs as "the more specific object can 'inherent' all of the

data and methods of the parent object", col. 3, lines 11-12. Thus, the above claim limitations are

obvious in view of the combination.

8.   Regarding claims 3 and 8, Cobb teaches *an object represented in a dynamic link library file, and wherein said request intercepting component searches for said dynamic link library file, or an updated version of said dynamic link library file if a current version of said dynamic link library file held on said computer system does not provide the functionality of said server component* as "The object oriented system routes the message to an appropriate object method selection using known techniques and the requested method is selected and executed", col. 6, lines 36-39. Thus, the above claim limitations are obvious in view of the combination.

9.   Regarding claims 4 and 9, Cobb teaches *a software program, the server component comprises an operating system shell called by the software component, and the request intercepting component is a command interpreter* as "the system software application programming interface defines the functions that the software will provide and specifies the information that must be sent to execute that function", col. 3, lines 30-32. Thus, the above claim limitations are obvious in view of the combination.

10.   Regarding claims 5 and 10, Cobb teaches *computer system is a CORBA distributed system, wherein said client and server components are objects on said system and wherein said request intercepting component is in Object Request Broker* as "CORBA defines the interactions between objects, col. 4, lines 14-16. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

11.   The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

12.   Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

13.   Applicant suggests neither reference "suggests 'means for intercepting requests ... to search external sources'" Paper No. 11, Page 2, lines 14-15. However, Cobb teaches "some of the key procedural transaction functions must be intercepted and the data from them provided to the implementation classes", col. 7, lines 63-65 and Chow teaches "an intelligent network agent intercepts transactions between clients and servers to perform DILS functions such as automatically receiving updated files", abstract. In networked computers, an address header is modified based on a lookup table and the lookup table (external source) provides the necessary additional functionality. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested.

15.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

17. final action.

18.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner

can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

19.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the

organization where this application or proceeding is assigned is (703) 308-6606.

20.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw   MARK H. RINEHART
                                                          SUPERVISORY PATENT EXAMINER
                                                             TECHNOLOGY CENTER 2100

March 11, 2002